



January 24, 2007

## SENATE BILL No. 335

DIGEST OF SB 335 (Updated January 20, 2007 11:57 am - DI ta)

**Citations Affected:** IC 25-1; IC 25-2.1; IC 25-7; IC 25-8; IC 25-9; IC 25-21.5; IC 25-23.6; IC 25-23.7; IC 25-27.5; IC 25-35.6; IC 35-48; noncode.

**Synopsis:** Professions and occupations. Provides that: (1) a holder of a license, registration, or certificate may be subject to civil penalties if the holder does not comply with continuing education requirements for reinstatement of a license; (2) the professional licensing agency may delay reinstating a license, certificate, or registration for 90 days to investigate an applicant; (3) a holder of a license, registration, or certificate is subject to disciplinary sanctions if a board finds the holder engages in abusive or fraudulent billing practices or is convicted of a crime that is harmful to the public; (4) an individual may obtain a beauty culture instructor license and instruct in areas of beauty culture #in which the individual holds a license; (5) a physician assistant's certificate is placed on inactive status if the physician assistant does not practice under a supervising physician; and (6) a registration by the state board of pharmacy to manufacture or distribute controlled substances is automatically invalidated if the Drug Enforcement Administration terminates, denies, suspends, or revokes the corresponding federal registration. Provides for reinstatement of a tanning facility license. Removes: (1) semiprofessional elimination contests from the boxing and sparring laws; and (2) a provision that requires certain organizations to supply information concerning continuing education of land surveyors. Allows: (1) an individual who holds a valid CPA certificate from any state to perform quality reviews; (2) the state board of cosmetology examiners to establish standards for mobile salons; and (3) individuals who meet certain requirements to

(Continued next page)

**Effective:** July 1, 2007.

**Riegsecker**

January 11, 2007, read first time and referred to Committee on Rules and Legislative Procedure.

January 23, 2007, amended; reassigned to Committee on Health and Provider Services.

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obtain a license in speech-language pathology. Changes the: (1) fee for issuance of a duplicate license, registration, or certificate from \$10 to \$25; (2) limitation on hours of course work for students in barber school or cosmetology school from eight to ten hours per day; and (3) clinical experience required for marriage and family therapist from three to two years. Makes changes to the controlled substance lists. Makes conforming changes. Repeals provisions concerning: (1) requiring a person to complete a cosmetology school program again if the person fails the examination by the state board of cosmetology examiners; (2) esthetics and electrology instructors licenses, which are replaced with the beauty culture instructor license; and (3) inactive cosmetology professional's licenses.

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January 24, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 335

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-1-4-5, AS ADDED BY P.L.157-2006,  
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2007]: Sec. 5. (a) Notwithstanding any other law, if the board  
4 determines that a practitioner has not complied with this chapter **or**  
5 **IC 25-1-8-6** at the time that the practitioner applies for license renewal  
6 **or reinstatement** or after an audit conducted under section 3 of this  
7 chapter, the board shall do the following:

8 (1) Send the practitioner notice of noncompliance by certified  
9 mail.

10 (2) As a condition of license renewal **or reinstatement**, require  
11 the practitioner to comply with subsection (b).

12 (3) **For license renewal**, issue a conditional license to the  
13 practitioner that is effective until the practitioner complies with  
14 subsection (b).

15 (b) Upon receipt of a notice of noncompliance under subsection (a),  
16 a practitioner shall do either of the following:

17 (1) If the practitioner believes that the practitioner has complied

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with this chapter **or IC 25-1-8-6, if applicable**, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.

(B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend **or refuse to reinstate** the license of the practitioner and send notice of the suspension **or refusal** to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a ~~practitioner suspended under subsection (c);~~ **practitioner's license;** or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) **or IC 25-1-8-6, if applicable**.

SECTION 2. IC 25-1-4-6, AS ADDED BY P.L.157-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter **or IC 25-1-8-6, if applicable**, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal **or reinstatement**.

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(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

SECTION 3. IC 25-1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for licensure, registration, or certification.

(2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ~~ten dollars (\$10)~~ **twenty-five dollars (\$25)** for the issuance of a duplicate license, registration, or certificate.

SECTION 4. IC 25-1-8-6, AS AMENDED BY P.L.157-2006,



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SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2007]: Sec. 6. (a) As used in this section, "board" means any  
of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects  
(IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers  
(IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators  
(IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors  
(IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board  
(IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental

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health counselor board (IC 25-23.6).

(35) Speech-language pathology and audiology board  
(IC 25-35.6-2).

(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period; or~~

(B) **if the holder has not complied with the continuing education requirements, is subject to the requirements under IC 25-1-4-5 and IC 25-1-4-6.**

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by

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the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period; or~~

**(B) if the holder has not complied with the continuing education requirements, is subject to the requirements under IC 25-1-4-5 and IC 25-1-4-6.**

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 5. IC 25-1-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.**

**(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:**

**(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.**

**(2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.**

**(3) Reinstatement of the license and file a complaint under IC 25-1-7.**

**(4) Request the office of the attorney general to conduct an investigation under subsection (c) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.**

**(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.**

**(c) If an applicant fails to appear before the board under**

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subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board. The applicant's license, certificate, or registration is invalid until the final determination of the board is rendered unless the reinstatement is:

(1) denied; or

(2) summarily suspended under IC 25-1-9-10 or IC 25-1-11-13.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

SECTION 6. IC 25-1-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, **including cheating on a licensing examination;**

(B) engaged in fraud or material deception in the course of professional services or activities; or

(C) advertised services in a false or misleading manner; or

(D) engaged in abusive or fraudulent billing practices,

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including fraud under the following:

(i) Medicaid (42 U.S.C. 1396 et seq.).

(ii) Medicare (42 U.S.C. 1395 et seq.).

(iii) Children's health insurance program under IC 12-17.6.

(iv) Insurance claims.

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; or

(B) is harmful to the public;

(3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence that:

(i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and

(ii) does not include activities performed under IC 16-21-2-9;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any other state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has

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1 knowingly prescribed, sold, or administered any drug classified  
 2 as a narcotic, addicting, or dangerous drug to a habitue or addict;  
 3 (10) a practitioner has failed to comply with an order imposing a  
 4 sanction under section 9 of this chapter;

5 (11) a practitioner has engaged in sexual contact with a patient  
 6 under the practitioner's care or has used the practitioner-patient  
 7 relationship to solicit sexual contact with a patient under the  
 8 practitioner's care; ~~or~~

9 (12) a practitioner who is a participating provider of a health  
 10 maintenance organization has knowingly collected or attempted  
 11 to collect from a subscriber or enrollee of the health maintenance  
 12 organization any sums that are owed by the health maintenance  
 13 organization; **or**

14 **(13) a practitioner has assisted another person in committing**  
 15 **an act that would be grounds for disciplinary sanctions under**  
 16 **this chapter.**

17 (b) A practitioner who provides health care services to the  
 18 practitioner's spouse is not subject to disciplinary action under  
 19 subsection (a)(11).

20 (c) A certified copy of the record of disciplinary action is conclusive  
 21 evidence of the other jurisdiction's disciplinary action under subsection  
 22 (a)(7).

23 SECTION 7. IC 25-1-9-16 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The board may  
 25 refuse to issue a license or may issue a probationary license to an  
 26 applicant for licensure if:

- 27 (1) the applicant has been disciplined by a licensing entity of  
 28 ~~another~~ **any** state or jurisdiction, or has committed an act that  
 29 would have subjected the applicant to the disciplinary process had  
 30 the applicant been licensed in Indiana when the act occurred; and  
 31 (2) the violation for which the applicant was, or could have been,  
 32 disciplined has a direct bearing on the applicant's ability to  
 33 competently practice in Indiana.

34 **(b) The board may:**

- 35 **(1) refuse to issue a license; or**  
 36 **(2) issue a probationary license;**

37 **to an applicant for licensure if the applicant practiced without a**  
 38 **license in violation of the law.**

39 ~~(b)~~ (c) Whenever the board issues a probationary license, the board  
 40 may impose one (1) or more of the following conditions:

- 41 (1) Report regularly to the board upon the matters that are the  
 42 basis of the discipline of the other state or jurisdiction.

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- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c)~~ **(d)** The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

SECTION 8. IC 25-1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~
  - (C) advertised services or goods in a false or misleading manner; **or**
  - (D) engaged in abusive or fraudulent billing practices, including fraud under the following:**
    - (i) Medicaid (42 U.S.C. 1396 et seq.).**
    - (ii) Medicare (42 U.S.C. 1395 et seq.).**
    - (iii) Children's health insurance program under IC 12-17.6.**
    - (iv) Insurance claims.**
- (2) a practitioner has been convicted of a crime that:
  - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or**
  - (B) is harmful to the public;**
- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence, **including undertaking professional activities that the practitioner is not qualified**

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by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in ~~another~~ any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; ~~or~~

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; ~~or~~

**(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.**

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

~~(c) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.~~

~~(d)~~ (c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7). ~~or subsection (c).~~

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SECTION 9. IC 25-1-11-19, AS ADDED BY P.L.194-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

**(b) The board may:**

**(1) refuse to issue a license; or**

**(2) issue a probationary license;**

**to an applicant for licensure if the applicant practiced without a license in violation of the law.**

~~(b)~~ **(c)** Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c)~~ **(d)** The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

SECTION 10. IC 25-2.1-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. "Quality review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of an individual or a firm in the practice of accountancy, by at least one (1) individual who:

**(1) holds a valid CPA certificate from any state; and ~~who~~**

**(2) is independent of the individual or firm being reviewed.**

SECTION 11. IC 25-7-7-3, AS AMENDED BY P.L.157-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;
- (2) not more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will provide instruction to students in all theories and practical applications of barbering, including:
  - (A) the scientific fundamentals for barbering, hygiene, and bacteriology;
  - (B) the histology of hair, skin, muscles, and nerves;
  - (C) the structure of the head, face, and neck;
  - (D) elementary chemistry relating to sterilization and antiseptics;
  - (E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and
  - (F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;
- (4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;
- (5) the school will be operated under the personal supervision of a licensed barber instructor;
- (6) the applicant has obtained:
  - (A) a building permit;
  - (B) a certificate of occupancy; or
  - (C) any other planning approval required under IC 22-15-3 and IC 36-7-4;
 required to operate the school;
- (7) the school, if located in the same building as a residence, will:
  - (A) be separated from the residence by a substantial floor to ceiling partition; and
  - (B) have a separate entrance;
- (8) as a requirement for graduation, the proposed school must:
  - (A) administer; and
  - (B) require the student to pass;
 a final practical demonstration examination of the acts permitted by the license; and
- (9) the applicant has paid the fee set forth in IC 25-7-11-2.

SECTION 12. IC 25-8-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.5. "Mobile salon" means**



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either of the following:

(1) A self-contained facility that may be moved, towed, or transported from one (1) location to another in which cosmetology, electrology, esthetics, or manicuring is practiced.

(2) A business in which cosmetology, electrology, esthetics, or manicuring equipment is transported to and used on a temporary basis at a location other than a selected salon site, including:

(A) other cosmetology, electrology, esthetic, or manicuring salons;

(B) clients' homes; and

(C) nursing homes.

SECTION 13. IC 25-8-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

(1) prescribe sanitary requirements for:

(A) cosmetology salons;

(B) electrology salons;

(C) esthetic salons;

(D) manicuring salons; and

(E) cosmetology schools;

(2) establish standards for the practice of cosmetology and the operation of:

(A) cosmetology salons;

(B) electrology salons;

(C) esthetic salons;

(D) manicuring salons; and

(E) cosmetology schools;

(3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and

(4) establish requirements for cosmetology school uniforms for students and instructors.

(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, electrology, esthetics, or manicuring in a mobile salon:

(1) Personnel requirements.

(2) Sanitation standards.

(3) Safety requirements.

(4) Permanent address requirements at which the following are located:

(A) Records of appointments.

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**(B) License numbers of employees.**

**(C) If applicable, the vehicle identification number of the license holder's self-contained facility.**

**(5) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.**

SECTION 14. IC 25-8-4-21, AS AMENDED BY P.L.157-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. **(a)** Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

(1) pays renewal fees established by the board under IC 25-1-8-2;

(2) pays the license reinstatement fee established under IC 25-1-8-6; and

(3) complies with all of the requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated; other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board established under IC 25-1-8-6.

**(b)** Except as provided in subsection (e), the board may not reinstate a license issued under this article if the person holding the license does not apply for reinstatement within four (4) years after the expiration date of the license, unless the person holding the license;

(1) receives a satisfactory grade (as described in section 9 of this chapter) on an examination prescribed by the board;

(2) pays the examination fee set forth in IC 25-1-8-2;

(3) pays the renewal fees established by the board under IC 25-1-8-2; and

(4) pays the reinstatement fee established under IC 25-1-8-6.

**(c)** If a person does not receive a satisfactory grade on the examination described in subsection (b)(1), the person may repeat the examination subject to the rules governing the examination as adopted by the board.

**(d)** If a person does not receive a satisfactory grade on a repeat examination as provided in subsection (c), the board may:

(1) permit the person to take the examination again;

(2) complete remediation and additional training as required by the board before the person is permitted to take the examination again; or

(3) refuse to permit the person to take the examination again

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and deny the application for reinstatement of the license.

(e) The board may not reinstate:

- (1) a cosmetology salon license issued under IC 25-8-7;
- (2) an electrology salon license issued under IC 25-8-7.2;
- (3) an esthetic salon license issued under IC 25-8-12.6; or
- (4) a manicurist salon license issued under IC 25-8-7.1;

unless the license holder submits an application for reinstatement of the license not later than two (2) years after the date the license expires.

(f) The board may not reinstate a cosmetology school license issued under IC 25-8-5 unless the license holder submits an application for reinstatement of the license not later than six (6) months after the date the license expires.

SECTION 15. IC 25-8-4-27, AS AMENDED BY P.L.194-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. If a person holding a license described in section ~~22(b)~~ 21(e) of this chapter does not comply with the reinstatement application filing requirements set forth in that section, that person may:

(1) file an application for a new license to operate:

- (A) a cosmetology salon;
- (B) an electrology salon;
- (C) an esthetic salon;
- (D) a manicurist salon; or
- (E) a cosmetology school;

under this article; and

(2) pay the reinstatement fee set forth in:

- (A) IC 25-8-13-3; or
- (B) IC 25-8-13-5(b).

SECTION 16. IC 25-8-5-3, AS AMENDED BY P.L.157-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;
- (2) no more than ~~eight (8)~~ ten (10) hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide one (1) instructor for each twenty (20)

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- 1 students or any fraction of that number;  
 2 (5) the school will be operated under the personal supervision of  
 3 a licensed cosmetologist instructor;  
 4 (6) the person has obtained any building permit, certificate of  
 5 occupancy, or other planning approval required under IC 22-15-3  
 6 and IC 36-7-4 to operate the school;  
 7 (7) the school, if located in the same building as a residence, will:  
 8 (A) be separated from the residence by a substantial floor to  
 9 ceiling partition; and  
 10 (B) have a separate entry;  
 11 (8) as a requirement for graduation, the proposed school must:  
 12 (A) administer; and  
 13 (B) require the student to pass;  
 14 a final practical demonstration examination of the acts permitted  
 15 by the license; and  
 16 (9) the applicant has paid the fee set forth in IC 25-8-13-3.

17 SECTION 17. IC 25-8-6-1 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The board may  
 19 license a person to be a ~~cosmetology~~ **beauty culture** instructor.

20 SECTION 18. IC 25-8-6-2 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person must file  
 22 a verified application for a ~~cosmetology~~ **beauty culture** instructor  
 23 license with the board. ~~to obtain that license.~~ The application must be  
 24 made on a form prescribed by the board.

25 SECTION 19. IC 25-8-6-3 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application  
 27 described in section 2 of this chapter must state that the applicant:

- 28 (1) is at least eighteen (18) years of age;  
 29 (2) has graduated from high school or received the equivalent of  
 30 a high school education;  
 31 (3) holds a cosmetologist, **an electrologist, a manicurist, or an**  
 32 **esthetician** license issued under this article;  
 33 ~~(4) has actively practiced cosmetology for at least six (6) months~~  
 34 ~~in a cosmetology salon for at least six (6) months in a~~  
 35 ~~cosmetology salon and subsequently successfully completed at~~  
 36 ~~least six (6) months of instruction in theory and practice of~~  
 37 ~~instructor training as a student in a cosmetology school;~~  
 38 **(4) has completed the education and experience requirements**  
 39 **subject to the rules adopted by the board;**  
 40 (5) has not committed an act for which the applicant could be  
 41 disciplined under IC 25-8-14;  
 42 (6) has received a satisfactory grade (as ~~defined~~ **described** in

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IC 25-8-4-9) on an examination for instructor license applicants prescribed by the board; and  
(7) has paid the fee set forth in IC 25-8-13-4 for the issuance of a license under this chapter.

SECTION 20. IC 25-8-6-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. A person who obtains a license as a beauty culture instructor may provide instruction in the following:**

**(1) Cosmetology, if the person:**

**(A) holds a cosmetologist license under IC 25-8-9; and**  
**(B) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school.**

**(2) Electrology, if the person holds an electrologist license under IC 25-8-10.**

**(3) Manicuring, if the person holds a manicurist license under IC 25-8-11.**

**(4) Esthetics, if the person holds an esthetician license under IC 25-8-12.5.**

SECTION 21. IC 25-8-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. A person who wishes to obtain a cosmetology salon license must:**

**(1) do one (1) or more of the following:**

**(A) Select a site for the salon which, if located in the same building as a residence:**

~~(A)~~ **(i) is separated from the residence by a substantial floor to ceiling partition; and**

~~(B)~~ **(ii) has a separate entry.**

**(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

**(2) if applicable, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the cosmetology salon;**

**(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and**

**(4) submit a verified statement on a form prescribed by the board that the cosmetology salon will be under the personal supervision of a person who has at least six (6) months active experience as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.**

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SECTION 22. IC 25-8-7.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who desires to obtain a manicurist salon license must:

(1) do **one (1) or more of** the following:

(+) (A) Select a site for the salon that, if located in the same building as a residence:

(A) (i) is separated from the residence by a substantial floor to ceiling partition; and

(B) (ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) if applicable, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the manicurist salon will be under the personal supervision of a person who has at least six (6) months active experience as a:

(A) manicurist under IC 25-8-11; or

(B) cosmetologist under IC 25-8-9;

before the application was submitted under this chapter.

SECTION 23. IC 25-8-7.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who desires to obtain an electrology salon license must:

(1) do **one (1) or more of** the following:

(+) (A) Select a site for the salon that, if located in the same building as a residence:

(A) (i) is separated from the residence by a substantial floor to ceiling partition; and

(B) (ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) if applicable, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

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to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; **and**

(4) submit a verified statement on a form prescribed by the board that the electrology salon will be under the personal supervision of a person who has at least six (6) months active experience as an electrologist under IC 25-8-10 before the application was submitted under this chapter.

SECTION 24. IC 25-8-9-7, AS AMENDED BY P.L.157-2006, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, **or** manicuring. ~~or the instruction of cosmetology, esthetics, or electrology.~~

SECTION 25. IC 25-8-9-8, AS AMENDED BY P.L.157-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person must file a verified application for a temporary:

- (1) cosmetologist work permit;
- (2) electrologist work permit;
- (3) esthetician work permit; **or**
- (4) manicurist work permit;
- ~~(5) cosmetology instructor work permit;~~
- ~~(6) esthetics instructor work permit; or~~
- ~~(7) electrology instructor work permit;~~

with the board on a form prescribed by the board to obtain that work permit.

SECTION 26. IC 25-8-9-9, AS AMENDED BY P.L.157-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice cosmetology under the supervision of a cosmetologist; and
- (2) has filed an application under:
  - (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
  - (B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice electrology under the supervision of an electrologist; and
- (2) has filed an application under:

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- 1 (A) IC 25-8-10-2, but has not taken the examination described
- 2 in IC 25-8-10-3(3); or
- 3 (B) IC 25-8-4-2 and is awaiting a board determination.
- 4 (c) The temporary esthetician work permit application described in
- 5 section 8 of this chapter must state that the applicant:
- 6 (1) will practice esthetics under the supervision of an esthetician;
- 7 and
- 8 (2) has filed an application under:
- 9 (A) IC 25-8-12.5-3, but has not taken the examination
- 10 described in IC 25-8-12.5-4(4); or
- 11 (B) IC 25-8-4-2 and is awaiting a board determination.
- 12 (d) The temporary manicurist work permit application described in
- 13 section 8 of this chapter must state that the applicant:
- 14 (1) will practice manicuring under the supervision of a
- 15 cosmetologist or manicurist; and
- 16 (2) has filed an application under:
- 17 (A) IC 25-8-11-3, but has not taken the examination described
- 18 in IC 25-8-11-4(4); or
- 19 (B) IC 25-8-4-2 and is awaiting a board determination.
- 20 (e) The temporary cosmetology instructor work permit application
- 21 described in section 8 of this chapter must state that the applicant:
- 22 (1) will practice the instruction of cosmetology under the
- 23 supervision of a cosmetology instructor; and
- 24 (2) has filed an application under:
- 25 (A) IC 25-8-6-2, but has not taken the examination described
- 26 in IC 25-8-6-3(6); or
- 27 (B) IC 25-8-4-2 and is awaiting a board determination.
- 28 (f) The temporary esthetics instructor work permit application
- 29 described in section 8 of this chapter must state that the applicant:
- 30 (1) will practice the instruction of esthetics under the supervision
- 31 of a cosmetology or an esthetics instructor; and
- 32 (2) has filed an application under:
- 33 (A) IC 25-8-6.1-2, but has not taken the examination described
- 34 in IC 25-8-6.1-3(6); or
- 35 (B) IC 25-8-4-5 and is awaiting a board determination
- 36 described in IC 25-8-4-2.
- 37 (g) The temporary electrology instructor work permit application
- 38 described in section 8 of this chapter must state that the applicant:
- 39 (1) will practice the instruction of electrology under the
- 40 supervision of an electrology instructor; and
- 41 (2) has filed an application under:
- 42 (A) IC 25-8-6.2-2, but has not taken the examination described

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1 in IC 25-8-6.2-3(6); or

2 (B) IC 25-8-4-2 and is awaiting a board determination;

3 SECTION 27. IC 25-8-15.4-9.5 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2007]: **Sec. 9.5. The board may, upon**  
6 **application, reinstate a license under this chapter that has expired**  
7 **if the person holding the license:**

8 (1) pays renewal fees established by the board under  
9 IC 25-1-8-2;

10 (2) pays the license reinstatement fee established under  
11 IC 25-1-8-6; and

12 (3) complies with all requirements established under this  
13 article for an applicant for an initial license.

14 SECTION 28. IC 25-9-1-3 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The Indiana  
16 professional licensing agency may appoint and remove deputies for use  
17 by the commission. The commission shall, when the commission  
18 considers it advisable, direct a deputy to be present at any place where  
19 sparring or boxing matches ~~semiprofessional elimination contests~~, or  
20 exhibitions are to be held under this chapter. The deputies shall  
21 ascertain the exact conditions surrounding the match ~~contest~~, or  
22 exhibition and make a written report of the conditions in the manner  
23 and form prescribed by the commission.

24 (b) The licensing agency may appoint and remove a secretary for the  
25 commission, who shall:

26 (1) keep a full and true record of all the commission's  
27 proceedings;

28 (2) preserve at its general office all the commission's books,  
29 documents, and papers;

30 (3) prepare for service notices and other papers as may be  
31 required by the commission; and

32 (4) perform other duties as the licensing agency may prescribe.

33 The licensing agency may employ only such clerical employees as may  
34 be actually necessary and fix their salaries as provided by law.

35 (c) Each commissioner shall be reimbursed for all actual and  
36 necessary traveling expenses and disbursements incurred by them in  
37 the discharge of their official duties. All reimbursements for traveling  
38 expenses shall be in accordance with travel policies and procedures  
39 established by the Indiana department of administration and the budget  
40 agency. All expenses incurred in the administration of this chapter shall  
41 be paid from the general fund upon appropriation being made for the  
42 expenses.

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SECTION 29. IC 25-9-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Boxing and sparring matches or exhibitions for prizes or purses may be held in Indiana.

(b) The commission:

(1) has the sole direction, management, control, and jurisdiction over all boxing and sparring matches ~~semiprofessional elimination contests~~, or exhibitions to be conducted, held, or given in Indiana; and

(2) may issue licenses for those matches ~~contests~~, or exhibitions.

(c) A boxing or sparring match or an exhibition that is:

(1) conducted by any school, college, or university within Indiana;

(2) sanctioned by United States Amateur Boxing, Inc.; or

(3) without a prize or purse;

shall not be subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction in boxing, or other athletics.

(d) No boxing or sparring match, or exhibition, except as provided in this article, shall be held or conducted within Indiana except under a license and permit issued by the state boxing commission in accordance with the provisions of this chapter and the rules adopted under this chapter.

SECTION 30. IC 25-9-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The commission may:

(1) cause to be issued by the Indiana professional licensing agency under the name and seal of the state boxing commission, an annual license in writing for holding boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions to any person who is qualified under this chapter; and

(2) adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where one (1) or more contests are to be held, obtain a permit from the state boxing commission.

(c) Annual licenses may be revoked by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who conducts a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

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SECTION 31. IC 25-9-1-7, AS AMENDED BY P.L.120-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Applications for licenses or permits to conduct or participate in, either directly or indirectly, a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall be:

(1) made in writing upon forms prescribed by the state boxing commission and shall be addressed to and filed with the Indiana professional licensing agency; and

(2) verified by the applicant, if an individual, or by some officer of the club, corporation, or association in whose behalf the application is made.

(b) The application for a permit to conduct a particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, shall, among other things, state:

(1) the time and exact place at which the boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition is proposed to be held;

(2) the names of the contestants who will participate and their seconds;

(3) the seating capacity of the buildings or the hall in which such exhibition is proposed to be held;

(4) the admission charge which is proposed to be made;

(5) the amount of the compensation percentage of gate receipts which is proposed to be paid to each of the participants;

(6) the name and address of the person making the application;

(7) the names and addresses of all the officers if the person is a club, a corporation, or an association; and

(8) the record of each contestant from a source approved by the commission.

(c) The commission shall cause to be kept by the licensing agency proper records of the names and addresses of all persons receiving permits and licenses.

SECTION 32. IC 25-9-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. All buildings or structures used, or in any way to be used for the purpose of holding or giving therein boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, shall be properly ventilated and provided with fire exits and fire escapes, if need be, and in all manner shall conform to the laws, ordinances, and regulations pertaining to buildings in the city or town where situated.

SECTION 33. IC 25-9-1-16 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A person shall not:

- (1) permit any person under the age of eighteen (18) years to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition;
- (2) permit any gambling on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition conducted by it; or
- (3) participate in or permit any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) A person who violates this section shall, in addition to any criminal penalty, have the person's license or permit revoked and be rendered ineligible for a license or permit at any future time.

SECTION 34. IC 25-9-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person shall not:

- (1) participate in any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where the match or exhibition is conducted by a licensed person; or
- (2) being under the age of eighteen (18), participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) If a person violating this section is a licensed contestant in this state, the person shall for the first offense, in addition to the fine, suffer a revocation of the person's license or permit, and for a second offense be forever barred from receiving any license or permit or participating in any boxing or sparring match or exhibition in Indiana.

(c) A person who gambles on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition and is convicted under IC 35-45-5 shall, in addition to any criminal penalty imposed, be penalized as provided in subsection (b).

SECTION 35. IC 25-9-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) No contestant shall be permitted to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition unless duly registered and licensed with the state boxing commission, which license must be renewed biennially. The license fee and the renewal fee shall not be less than five dollars (\$5) paid at the time of the application for the license or renewal.

(b) Any person who desires to be registered and licensed as a

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1 contestant shall file an application in writing with the Indiana  
 2 professional licensing agency, which application shall, among other  
 3 things, state:

- 4 (1) the correct name of the applicant;
- 5 (2) the date and place of the applicant's birth;
- 6 (3) the place of the applicant's residence; and
- 7 (4) the applicant's employment, business, or occupation, if any.

8 The application must be verified under oath of the applicant.  
 9 Application for renewal license shall be in similar form.

10 (c) No assumed or ring names shall be used in any application nor  
 11 in any advertisement of any contest, unless the ring or assumed name  
 12 has been registered with the commission with the correct name of the  
 13 applicant.

14 (d) Each application for license by a contestant or for a license  
 15 renewal must be accompanied by the certificate of a physician residing  
 16 within Indiana, who has been licensed as provided in this article, and  
 17 has practiced in Indiana for not less than five (5) years, certifying that  
 18 the physician has made a thorough physical examination of the  
 19 applicant, and that the applicant is physically fit and qualified to  
 20 participate in boxing or sparring matches or exhibitions.

21 SECTION 36. IC 25-9-1-20.5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20.5. The commission  
 23 may declare any person who has been convicted of an offense under  
 24 IC 35-48 ineligible to participate in any boxing or sparring match  
 25 ~~semiprofessional elimination contest~~, or exhibition, or any other  
 26 activity or event regulated by the commission, notwithstanding that the  
 27 person may hold a valid license issued by the commission. The period  
 28 of ineligibility shall be for not less than six (6) months nor more than  
 29 three (3) years, as determined by the commission. If any such person  
 30 shall be declared ineligible, the commission shall suspend such  
 31 convicted person and declare ~~him~~ **the person** ineligible to participate  
 32 in any boxing or sparring match or exhibition, or any other activity or  
 33 event regulated by the commission, as soon as it discovers the  
 34 conviction, but the period of ineligibility shall commence from the  
 35 actual date of the conviction. During the period of ineligibility, the  
 36 suspended person may reapply to the commission for a license in the  
 37 manner provided, and the commission may rescind the prior order of  
 38 suspension.

39 SECTION 37. IC 25-9-1-21 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Any license  
 41 provided for under this chapter may be revoked or suspended by the  
 42 commission for reasons deemed sufficient under this chapter and under

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1 IC 25-1-11.

2 (b) If a person displays to the public credentials issued by the  
3 commission that:

4 (1) have been revoked or suspended under this section or under  
5 sections 16, 17, and 20.5 of this chapter; or

6 (2) have expired;

7 the commission may act under this section, or the commission may  
8 declare the person ineligible for a period to be determined by the  
9 commission to participate in any boxing or sparring match  
10 ~~semiprofessional elimination contest~~, exhibition, or other activity  
11 regulated by the commission.

12 SECTION 38. IC 25-9-1-22 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Every person,  
14 club, corporation, firm, or association which may conduct any match  
15 or exhibition under this chapter shall, within twenty-four (24) hours  
16 after the termination thereof:

17 (1) furnish to the Indiana professional licensing agency by mail,  
18 a written report duly verified by that person or, if a club,  
19 corporation, firm, or association, by one (1) of its officers,  
20 showing the amount of the gross proceeds for the match or  
21 exhibition, and other related matters as the commission may  
22 prescribe; and

23 (2) pay a tax of five percent (5%) of the price of admission  
24 collected from the sale of each admission ticket to the match or  
25 exhibition, which price shall be a separate and distinct charge and  
26 shall not include any tax imposed on and collected on account of  
27 the sale of any such ticket. Money derived from such state tax  
28 shall be deposited in the state general fund.

29 (b) Before any license shall be granted for any boxing or sparring  
30 match ~~semiprofessional elimination contest~~, or exhibition in this state,  
31 a bond or other instrument that provides financial recourse must be  
32 provided to the state boxing commission. The instrument must be:

33 (1) in an amount determined by the commission;

34 (2) approved as to form and sufficiency of the sureties thereon by  
35 the commission;

36 (3) payable to the state of Indiana; and

37 (4) conditioned for the payment of the tax imposed, the officials  
38 and contestants, and compliance with this chapter and the valid  
39 rules of the commission.

40 SECTION 39. IC 25-9-1-24 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. The commission  
42 may appoint official representatives, designated as inspectors, each of

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whom shall receive from the commission a card authorizing ~~him~~ **the official representative** to act as an inspector wherever the commission may designate ~~him~~ **the official representative** to act. One (1) inspector or deputy shall be present at all boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, and see that the rules of the commission and the provisions of this chapter are strictly observed, and shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the final box-office statement received by him from the person or officers of the club, corporation, or association conducting the match ~~contest~~, or exhibition.

SECTION 40. IC 25-9-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. All tickets of admission to any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall clearly show their purchase price, and no such tickets shall be sold for more than the price printed on the tickets. It shall be unlawful for any person, club, corporation, or association to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.

SECTION 41. IC 25-21.5-8-7, AS AMENDED BY P.L.194-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board may adopt rules requiring a land surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must ~~do the~~ following:

(1) establish procedures for approving an organization that provides continuing education.

(2) Require an organization that provides an approved continuing education program to supply the following information to the board not more than thirty (30) days after the course is presented:

(A) An alphabetical list of all land surveyors who attended the course.

(B) A certified statement of the hours to be credited to each land surveyor.

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

(1) Allow private organizations to implement the continuing education requirement.

(2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must adopt rules that:

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- (A) do not require the holder of an inactive certificate to obtain continuing education;
- (B) prohibit the holder of an inactive certificate from practicing land surveying;
- (C) establish requirements for reactivation of an inactive certificate; and
- (D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5.

SECTION 42. IC 25-23.6-8-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.7. (a) An applicant under section 1 of this chapter must have at least ~~three (3)~~ **two (2)** years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services: ~~Two (2) years of~~ The applicant's clinical experience must include one thousand (1,000) hours of post degree clinical experience and two hundred (200) hours of post degree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(b) Within the ~~three (3)~~ **two (2)** years required under subsection (a), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) Unmarried couples.
- (2) Married couples.
- (3) Separating or divorcing couples.
- (4) Family groups, including children.

(c) A doctoral internship may be applied toward the supervised work experience requirement.

(d) Except as provided in subsection (e), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(e) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

- (1) the work is the independent private practice of marriage and family therapy; and
- (2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

SECTION 43. IC 25-23.7-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The licensing agency

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shall provide the board with clerical or other assistants ~~including investigators~~, necessary for the proper performance of the board's duties.

SECTION 44. IC 25-27.5-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. (a) An individual who:**

**(1) is certified under this chapter; and**

**(2) does not practice as a physician assistant under a supervising physician;**

**shall notify the committee in writing that the individual does not have a supervising physician.**

**(b) If an individual who is certified under this chapter does not practice as a physician assistant under a supervising physician, the board shall place the individual's certificate on inactive status.**

**(c) An individual may reinstate a certificate that is placed on inactive status under this section if the individual:**

**(1) submits a written application to the committee requesting that the certificate be placed on active status; and**

**(2) provides information as required by the committee concerning the physician who will be supervising the individual.**

SECTION 45. IC 25-35.6-1-8, AS ADDED BY P.L.212-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) The board shall adopt rules under IC 4-22-2 to define the role of support personnel, including the following:**

**(1) Supervisory responsibilities of the speech-language pathologist.**

**(2) Ratio of support personnel to speech-language pathologists.**

**(3) Scope of duties and restrictions of responsibilities for each type of support personnel.**

**(4) Frequency, duration, and documentation of supervision.**

**(5) Education and training required to perform services.**

**(6) Procedures for renewing registration and terminating duties.**

**(b) A speech-language pathologist must meet the following qualifications to supervise speech-language pathology support personnel:**

**(1) Hold a current license as a speech-language pathologist issued by the board.**

**(2) Have at least three (3) years of clinical experience.**

**(3) Hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing.**

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(c) Speech-language pathology support personnel may provide support services only under the supervision of a speech-language pathologist.

SECTION 46. IC 35-48-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The controlled substances listed in this section are included in schedule I.

(b) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

**Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-1-2-phenethyl)-4-piperidyl-N-phenylacetamide) (9815)**

Acetylmethadol (9601)

Allylprodine (9602)

Alphacetylmethadol (9603)

Alphameprodine (9604)

Alphamethadol (9605)

**Alpha-methylfentanyl**

**(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]**

**propionanilide;**

**1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine)**

**(9814)**

**Alpha-methylthiofentanyl**

**(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidyl-N-]**

**phenylpropanamide) (9832)**

Alphamethylfentanyl (9614)

Benzethidine (9606)

Betacetylmethadol (9607)

**Beta-hydroxyfentanyl(N-[1-(2-hydroxy-2-phenethyl)-4-piperidyl]-N-phenylpropanamide) (9830)**

**Beta-hydroxy-3-methylfentanyl (other name:**

**N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidyl]**

**-N-phenylpropanamide) (9831)**

Betameprodine (9608)

Betamethadol (9609)

Betaprodine (9611)

Clonitazene (9612)

Dextromoramide (9613)

Diampromide (9615)

Diethylthiambutene (9616)

Difenoxin (9168)

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- 1 Dimenoxadol (9617)
- 2 Dimepheptanol (9618)
- 3 Dimethylthiambutene (9619)
- 4 Dioxaphetyl butyrate (9621)
- 5 Dipipanone (9622)
- 6 Ethylmethylthiambutene (9623)
- 7 Etonitazene (9624)
- 8 Etoxidine (9625)
- 9 Furethidine (9626)
- 10 Hydroxypethidine (9627)
- 11 Ketobemidone (9628)
- 12 Levomoramide (9629)
- 13 Levophenacymorphan (9631)
- 14 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
- 15 piperidyl]-N-phenyl-propanamide](9813)
- 16 **3-methylthiofentanyl (N-**
- 17 **[ (3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]**
- 18 **-N-phenylpropanamide) (9833)**
- 19 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) ~~(9961)~~ **(9661)**
- 20 Morpheridine (9632)
- 21 Noracymethadol (9633)
- 22 Norlevorphanol (9634)
- 23 Normethadone (9635)
- 24 Norpipanone (9636)
- 25 **Para-fluorofentanyl (N-(4-fluorophenyl)-N-**
- 26 **[ 1-(2-phenethyl)-4-piperidinyl] propanamide (9812)**
- 27 Phenadoxone (9637)
- 28 Phenampromide (9638)
- 29 Phenomorphan (9647)
- 30 Phenoperidine (9641)
- 31 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
- 32 Piritramide (9642)
- 33 Proheptazine (9643)
- 34 Properidine (9644)
- 35 Propiram (9649)
- 36 Racemoramide (9645)
- 37 **Thiofentanyl (N-phenyl-N-[ 1-(2-thienyl)ethyl-4-piperidinyl]**
- 38 **-propanamide (9835)**
- 39 Tilidine (9750)
- 40 Trimeperidine (9646)
- 41 (c) Opium derivatives. Any of the following opium derivatives, their
- 42 salts, isomers, and salts of isomers, unless specifically excepted by rule

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of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine (9319)  
 Acetyldihydrocodeine (9051)  
 Benzylmorphine (9052)  
 Codeine methylbromide (9070)  
 Codeine-N-Oxide (9053)  
 Cyprenorphine (9054)  
 Desomorphine (9055)  
 Dihydromorphine (9145)  
 Drotebanol (9335)  
 Etorphine (except hydrochloride salt) (9056)  
 Heroin (9200)  
 Hydromorphenol (9301)  
 Methyldesorphine (9302)  
 Methyldihydromorphine (9304)  
 Morphine methylbromide (9305)  
 Morphine methylsulfonate (9306)  
 Morphine-N-Oxide (9307)  
 Myrophine (9308)  
 Nicocodeine (9309)  
 Nicomorphine (9312)  
 Normorphine (9313)  
 Pholcodine (9314)  
 Thebacon (9315)

(d) Hallucinogenic substances. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic, psychedelic, or psychogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

**(1) Alpha-ethyltryptamine (7245). Some trade or other names: etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [alpha]-ET; and AET.**

**(†)(2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine; 4-Bromo-2, 5-DMA.**

**(3) 4-Bromo-2,5-dimethoxyphenethylamine (7392). Some trade or other names: 2 - [ 4 - b r o m o - 2 , 5 - dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB;**

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~~(2)~~ **(4)** 2, 5-Dimethoxyamphetamine (7396). Some trade or other names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.

**(5) 2,5-dimethoxy-4-ethylamphet-amine (7399). Some trade or other names: DOET.**

**(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7) (7348).**

~~(3)~~ **(7)** 4-Methoxyamphetamine (7411). Some trade or other names: 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine; PMA.

~~(4)~~ **(8)** 5-methoxy-3, 4-methylenedioxy amphetamine (7401). Other Name: MMDA.

~~(5)~~ **(9)** 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade and other names: 4-methyl-2, 5-dimethoxy-a-methylphenethylamine; DOM; and STP.

~~(6)~~ **(10)** 3, 4-methylenedioxy amphetamine (7400). Other name: MDA.

~~(7)~~ **(11)** 3, 4-methylenedioxymethamphetamine (MDMA) (7405).

**(12) 3,4-methylenedioxy-N-ethylamphetamine (7404) (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA.**

**(13) N-hydroxy-3,4-methylenedioxyamphetamine (7402) (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA.**

~~(8)~~ **(14)** 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.

**(15) Alpha-methyltryptamine (7432) (other name: AMT).**

~~(9)~~ **(16)** Bufotenine (7433). Some trade and other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.

~~(10)~~ **(17)** Dimethyltryptamine (7434). Some trade or other names: N, N-Diethyltryptamine; DET.

~~(11)~~ **(18)** Diethyltryptamine (7435). Some trade or other names: DMT.

**(19) 5-methoxy-N,N-diisopropyltryptamine (7439) (other name: 5-MeO-DIPT).**

~~(12)~~ **(20)** Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.

~~(13)~~ **(21)** Lysergic acid diethylamide (7315). Other name: LSD.

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- 1 ~~(14)~~ **(22)** Marijuana (7360).  
 2 ~~(15)~~ **(23)** Mescaline (7381).  
 3 ~~(16)~~ **(24)** Parahexyl (7374). Some trade or other names:  
 4 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,  
 5 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.  
 6 ~~(17)~~ **(25)** Peyote (7415), including:  
 7 (A) all parts of the plant that are classified botanically as  
 8 lophophora williamsii lemaire, whether growing or not;  
 9 (B) the seeds thereof;  
 10 (C) any extract from any part of the plant; and  
 11 (D) every compound, manufacture, salt, derivative, mixture, or  
 12 preparation of the plant, its seeds, or extracts.  
 13 ~~(18)~~ **(26)** N-ethyl-3-piperidyl benzilate (7482). Other name:  
 14 DMZ.  
 15 ~~(19)~~ **(27)** N-methyl-3-piperidyl benzilate (7484). Other name:  
 16 LBJ.  
 17 ~~(20)~~ **(28)** Psilocybin (7437).  
 18 ~~(21)~~ **(29)** Psilocyn (7438).  
 19 ~~(22)~~ **(30)** Tetrahydrocannabinols (7370), including synthetic  
 20 equivalents of the substances contained in the plant, or in the  
 21 resinous extractives of Cannabis, sp. and synthetic substances,  
 22 derivatives, and their isomers with similar chemical structure and  
 23 pharmacological activity such as:  
 24 (A)  $\pi^1$  cis or trans tetrahydrocannabinol, and their optical  
 25 isomers;  
 26 (B)  $\pi^6$  cis or trans tetrahydrocannabinol, and their optical  
 27 isomers; and  
 28 (C)  $\pi^3_4$  cis or trans tetrahydrocannabinol, and their optical  
 29 isomers.  
 30 Since nomenclature of these substances is not internationally  
 31 standardized, compounds of these structures, regardless of  
 32 numerical designation of atomic positions are covered. Other  
 33 name: THC.  
 34 ~~(23)~~ **(31)** Ethylamine analog of phencyclidine (7455). Some trade  
 35 or other names: N-Ethyl-1-phenylcyclohexylamine;  
 36 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)  
 37 ethylamine; cyclohexamine; PCE.  
 38 ~~(24)~~ **(32)** Pyrrolidine analog of phencyclidine (7458). Some trade  
 39 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP<sub>y</sub>; PHP.  
 40 ~~(25)~~ **(33)** Thiophene analog of phencyclidine (7470). Some trade  
 41 or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl  
 42 Analog of Phencyclidine; TPCP.

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**(34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Some other names: TCPy.**

(e) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Gamma-hydroxybutyric acid (other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) (2010)

Mecloqualone (2572)

Methaqualone (2565)

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

**Aminorex (Some other names: aminoxaphen;**

**2-amino-5-phenyl-2-oxazoline; or**

**4,5-dihydro-5-phenyl-2-1585 oxazolamine) (1585)**

**N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine) (7493)**

**Cathinone (Some trade or other names:**

**2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone) (1235)**

Fenethylamine (1503)

**([+/-])cis-4-methylaminorex**

**([+/-])cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)**

N-ethylamphetamine (1475)

Methcathinone (1237) (Some other trade names: 2-Methylamino-1-Phenylpropan-1-one; Ephedrone; Monomethylpropion; UR 1431.

**N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine) (1480)**

SECTION 47. IC 35-48-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The controlled substances listed in this section are included in schedule II.

(b) Any of the following substances, except those narcotic drugs

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listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, naltrexone, and their respective salts but including:

(A) raw opium (9600);

(B) opium extracts (9610);

(C) opium fluid extracts (9620);

(D) powdered opium (9639);

(E) granulated opium (9640);

(F) tincture of opium (9630);

(G) codeine (9050);

**(H) dihydroetorphine (9334);**

~~(H)~~ **(I)** ethylmorphine (9190);

~~(H)~~ **(J)** etorphine hydrochloride (9059);

~~(H)~~ **(K)** hydrocodone (9193);

~~(K)~~ **(L)** hydromorphone (9150);

~~(L)~~ **(M)** metopon (9260);

~~(M)~~ **(N)** morphine (9300);

~~(N)~~ **(O)** oxycodone (9143);

~~(O)~~ **(P)** oxymorphone (9652); and

~~(P)~~ **(Q)** thebaine (9333).

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Cocaine (9041).

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Alfentanil (9737)

Alphaprodine (9010)

Anileridine (9020)

Bezitramide (9800)

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- 1 Bulk dextropropoxyphene (nondosage forms) (9273)  
 2 **Carfentanil (9743)**  
 3 Dihydrocodeine (9120)  
 4 Diphenoxylate (9170)  
 5 Fentanyl (9801)  
 6 Isomethadone (9226)  
 7 **Levo-alpha-acetylmethadol [Some other names:**  
 8 **levo-alpha-acetylmethadol, levomethadly acetate, LAAM]**  
 9 **(9648)**  
 10 Levomethorphan (9210)  
 11 Levorphanol (9220)  
 12 Metazocine (9240)  
 13 Methadone (9250)  
 14 Methadone-Intermediate, 4-cyano-2-dimethyl-amino-4,  
 15 4-diphenyl butane (9254)  
 16 Moramide-Intermediate, 2-methyl-3-morpholino-1,  
 17 1-diphenylpropane- carboxylic acid (9802)  
 18 Pethidine (Meperidine) (9230)  
 19 Pethidine-Intermediate- A, 4-cyano-1-methyl-4-phenylpiperidine  
 20 (9232)  
 21 P e t h i d i n e - I n t e r m e d i a t e - B ,  
 22 ethyl-4-phenylpiperidine-4-carboxylate (9233)  
 23 Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carb  
 24 oxylic acid (9234)  
 25 Phenazodine (9715)  
 26 Piminodine (9730)  
 27 Racemethorphan (9732)  
 28 Racemorphan (9733)  
 29 **Remifentanil (9739)**  
 30 Sufentanil (9740)  
 31 (d) Stimulants. Any material compound, mixture, or preparation  
 32 which contains any quantity of the following substances having a  
 33 potential for abuse associated with a stimulant effect on the central  
 34 nervous system:  
 35 (1) Amphetamine, its salts, optical isomers, and salts of its optical  
 36 isomers (1100).  
 37 (2) Methamphetamine, including its salts, isomers, and salts of its  
 38 isomers (1105).  
 39 (3) Phenmetrazine and its salts (1631).  
 40 (4) Methylphenidate (1724).  
 41 (e) Depressants. Unless specifically excepted by rule of the board  
 42 or unless listed in another schedule, any material, compound, mixture,

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or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Amobarbital (2125)

~~Gamma hydroxybutyrate~~

**Glutethimide (2550)**

Pentobarbital (2270)

Phencyclidine (7471)

Secobarbital (2315)

(f) Immediate precursors. Unless specifically excepted by rule of the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine: Phenylacetone (8501). Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

(2) Immediate precursors to phencyclidine (PCP):

(A) 1-phenylcyclohexylamine (7460); or

(B) 1-piperidinocyclohexanecarbonitrile (PCC) (8603).

(g) Hallucinogenic substances:

~~Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product (7369):~~

**Nabilone (7379). Another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo [b,d] pyran-9-one]**

SECTION 48. IC 35-48-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The controlled substances listed in this section are included in schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on April

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1, 1986, as excepted compounds under 21 CFR 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or that is the same except that it contains a lesser quantity of controlled substances (1405).

(2) Benzphetamine (1228).

(3) Chlorphentermine (1645).

(4) Clortermine (1647).

(5) Phendimetrazine (1615).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

(A) amobarbital (~~2125~~); **(2126)**;

(B) secobarbital (~~2315~~); **(2316)**;

(C) pentobarbital (~~2270~~); **(2271)**; or

(D) any of their salts;

and one (1) or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:

(A) amobarbital (~~2125~~); **(2126)**;

(B) secobarbital (~~2315~~); **(2316)**;

(C) pentobarbital (~~2270~~); **(2271)**; or

(D) any of their salts;

and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt thereof (2100).

(4) Chlorhexadol (2510).

~~(5) Glutethimide (2550).~~

**(5) Embutramide (2020).**

(6) Lysergic acid (7300).

(7) Lysergic acid amide (7310).

(8) Methypylon (2575).

(9) Sulfondiethylmethane (2600).

(10) Sulfonethylmethane (2605).

(11) Sulfonmethane (2610).

(12) A combination product containing tiletamine and zolazepam (Telazol) (7295).

**(13) Ketamine, its salts, isomers, and salts of isomers (7285)**

**[Some other names for ketamine: ([+/-])-2-(2-chlorophenyl)-2-(methylamine)-cyclohexanone].**

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~~(13)~~ **(14)** Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. (2012).

(d) Nalorphine (a narcotic drug) (9400).

(e) Narcotic Drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:

(1) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium (9803).

(2) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9804).

(3) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium (9805).

(4) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9806).

(5) Not more than 1.8 grams of dihydrocodeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9807).

(6) Not more than 300 milligrams of ethylmorphine, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9808).

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9809).

(8) Not more than 50 milligrams of morphine, per 100 milliliters or per 100 grams with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9810).

**(9) Any material, compound, mixture, or preparation containing Buprenorphine (9064).**

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(f) Anabolic steroid (as defined in 21 U.S.C. 802(41)(A) and 21 U.S.C. 802(41)(B)).

(g) The board shall except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) through (e) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(h) Any material, compound, mixture, or preparation which contains any quantity of Ketamine.

SECTION 49. IC 35-48-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The controlled substances listed in this section are included in schedule IV.

(b) Narcotic drugs. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:

(1) Not more than 1 milligram of difenoxin (~~9618~~) and not less than 25 micrograms of atropine sulfate per dosage unit (**9617**).

( 2 ) D e x t r o p r o p o x y p h e n e ( a l p h a - (+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane (~~9273~~): (**9278**).

(c) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Alprazolam (2882).

Barbital (2145).

Bromazepam (2748).

Camazepam (2749).

Carisoprodol.

Chloral betaine (2460).

Chloral hydrate (2465).

Chlordiazepoxide (2744).

Clobazam (2751).

Clonazepam (2737).

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1	Clorazepate (2768).
2	Clotiazepam (2752).
3	Cloxazolam (2753).
4	Delorazepam (2754).
5	Diazepam (2765).
6	<b>Dichloralphenazone (2467).</b>
7	Estazolam (2756).
8	Ethchlorvynol (2540).
9	Ethinamate (2545).
10	Ethyl loflazepate (2758).
11	Fludiazepam (2759).
12	Flunitrazepam (2763).
13	Flurazepam (2767).
14	Halazepam (2762).
15	Haloxazolam (2771).
16	Ketazolam (2772).
17	Loprazolam (2773).
18	Lorazepam (2885).
19	Lormetazepam (2774).
20	Mebutamate (2800).
21	Medazepam (2836).
22	Meprobamate (2820).
23	Methohexital (2264).
24	Methylphenobarbital (mephobarbital) (2250).
25	Midazolam (2884).
26	Nimetazepam (2837).
27	Nitrazepam (2834).
28	Nordiazepam (2838).
29	Oxazepam (2835).
30	Oxazolam (2839).
31	Paraldehyde (2585).
32	Petrichloral (2591).
33	Phenobarbital (2285).
34	Pinazepam (2883).
35	Prazepam (2764).
36	Quazepam (2881).
37	Temazepam (2925).
38	Tetrazepam (2886).
39	Triazolam (2887).
40	<b>Zaleplon (2781).</b>
41	Zolpidem (Ambien) (2783).
42	<b>Zopiclone (2784).</b>

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(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

(1) Fenfluramine (1670).

(e) Stimulants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine) (1230).

~~(1)~~ (2) Diethylpropion ~~(1608)~~: (1610).

(3) Fencamfamin (1760).

(4) Fenproporex (1575).

~~(2)~~ (5) Mazindol (1605).

(6) Mefenorex (1580).

(7) Modafinil (1680).

~~(3)~~ (8) Phentermine (1640).

~~(4)~~ (9) Pemoline (including organometallic complexes and chelates thereof) (1530).

~~(5)~~ (10) Pipradrol (1750).

(11) Sibutramine (1675).

~~(6)~~ (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane (1635).

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances including its salts:

(1) Pentazocine (9709).

(2) Butorphanol (including its optical isomers) (9720).

(g) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b), (c), (d), (e), or (f) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

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SECTION 50. IC 35-48-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) The controlled substances listed in this section are included in schedule V.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following quantities, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than 0.5 milligrams of difenoxin (9168), and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(c) Buprenorphine (9064).~~

**(c) Stimulants. Unless specifically exempted, excluded, or listed in another schedule, any material, compound mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:**

**(1) Pyrovalerone (1485).**

**(d) Depressants. Unless specifically exempted, excluded, or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including salts:**

**(1) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] (2782).**

SECTION 51. IC 35-48-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. ~~Denial; Revocation; and Suspension of Registration.~~ (a) An application for registration or re-registration submitted pursuant to and a registration issued under section 3 of this chapter to manufacture, distribute, or dispense a

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controlled substance may be denied, suspended, or revoked by the board upon a finding by the advisory committee that the applicant or registrant:

(1) has furnished false or fraudulent material information in any application filed under this article;

(2) has violated any state or federal law relating to any controlled substance;

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) has failed to maintain reasonable controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

(b) The board may limit revocation or suspension of a registration or the denial of an application for registration or re-registration to the particular controlled substance with respect to which grounds for revocation, suspension, or denial exist.

(c) If the board suspends or revokes a registration or denies an application for re-registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation or denial order may be placed under seal. The board may require the removal of such substances from the premises. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation or denial order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the drug enforcement administration of all orders suspending or revoking registration, all orders denying any application for registration or re-registration, and all forfeitures of controlled substances.

**(e) If the Drug Enforcement Administration terminates, denies, suspends, or revokes a federal registration for the manufacture, distribution, or dispensing of controlled substances, a registration issued by the board under this chapter is automatically suspended.**

**(f) The board may reinstate a registration that has been suspended under subsection (e), after a hearing, if the board is satisfied that the applicant is able to manufacture, distribute, or dispense controlled substances with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under IC 25-1-9-9 or this article.**

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SECTION 52. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 25-8-4-22; IC 25-8-4-23; IC 25-8-4-24; IC 25-8-4-25; IC 25-8-4-26; IC 25-8-6.1; IC 25-8-6.2; IC 25-8-16.

SECTION 53. [EFFECTIVE JULY 1, 2007] (a) The definitions in IC 25-35.6-1-2 apply throughout this SECTION.

(b) Notwithstanding IC 25-35.6, as amended by this act, concerning issuance of a license, the Indiana professional licensing agency shall issue a license in speech-language pathology as follows:

(1) To each individual who applies for licensure and meets all the following qualifications:

(A) Holds a license in speech and hearing therapy issued by the division of professional standards established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this SECTION).

(B) Has a master's degree in speech-language pathology or a related discipline.

(C) Has been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years.

(2) To each individual who applies for licensure and meets all the following qualifications:

(A) Holds a life license in speech-language pathology issued by the division of professional standards.

(B) Has:

(i) been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years; or

(ii) taken at least thirty-six (36) hours of continuing education approved by the division of professional standards or the Indiana professional licensing agency after December 31, 2004, and before December 31, 2010.

(c) This SECTION expires July 1, 2010.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

(Reference is to SB 335 as introduced.)

LONG, Chairperson

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